

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00107

RANDOLPH WILSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 14, 2010, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Randolph Wilson, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a twenty-nine month term of supervised release in this action on August 5, 2010, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 4, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant associated with a person convicted of a felony without the permission of the probation officer inasmuch as on or about October 11, 2010, he sent a letter to a convicted felon incarcerated at FCI Beckley; (2) that the defendant failed to spend six months in a community confinement center as directed by the court inasmuch as he enrolled at Transitions, Inc. on August 10, 2010, and was terminated from the program on October 14, 2010, for failing to follow the rules and regulations of the facility by sending a written communication through the mail to an inmate incarcerated at FCI Beckley in which he admitted using illegal substances as defined by the Commonwealth of Kentucky criminal code; (3) that the defendant possessed drug paraphernalia inasmuch as when he was arrested by the United States Marshals on November 18, 2010, a tray containing drug paraphernalia was located in his bedroom, including burnt spoons and a plunger from a syringe; and (4) that the defendant used oxycodone, morphine and cocaine as evidenced by a positive urine specimen submitted by him on November 19, 2010; all as admitted

by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of NINE (9) MONTHS, to be followed by a term of eight (8) months of supervised release upon the standard conditions of supervised release now in effect in this district by order

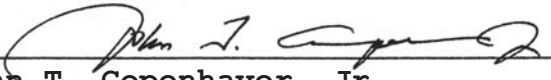
entered June 22, 2007, and the further conditions that the defendant not commit another federal, state or local crime and that the defendant shall spend six months in a community confinement center, follow the rules and regulations of the facility, and participate in substance abuse counseling and treatment and attend NA/AA meetings as directed.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court strongly recommends that the defendant be designated to Transitions, Inc. for the six-month community confinement center placement.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 22, 2010


John T. Copenhaver, Jr.
United States District Judge